

21W  
DAE  
B

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT

Attorney Docket No.: 017761-002620US

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On

8-22-05

TOWNSEND and TOWNSEND and CREW LLP

By:

*H. Bullone*

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PRESTHUS, James B. et al.

Application No.: 10/798,717

Filed: March 10, 2004

For: INCONTINENCE TREATMENT  
WITH URETHRAL GUIDE

Customer No.: 20350

Examiner: Unassigned

Technology Center/Art Unit: 3736

**PETITION FOR UNINTENTIONALLY  
DELAYED DOMESTIC PRIORITY  
CLAIM UNDER 37 CFR § 1.78**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.78(a)(3), Applicants hereby submit this Petition in order to claim the benefit of priority to U.S. Patent Application No. 10/301,561 filed on November 20, 2002 and which is currently pending. There is co-pendency between the '561 application and the present application. There is continuity of disclosure between the '561 application and the present application in that the specification and drawings of the '561 application are completely

08/24/2005 LWONDIM1 00000072 201430 10798717

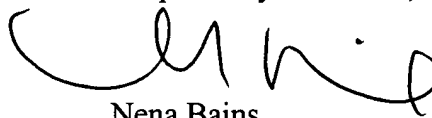
01 FC:2453 750.00 DA

incorporated into the originally filed disclosure of the present application. There is continuity of inventorship between the '561 application and the present application which both name George L. Matlock as a common inventor. Requirements for this Petition are satisfied as follows:

- (1) The above-referenced patent application is currently pending.
- (2) The reference required by 35 U.S.C. § 120 to the non-provisional application is provided in the form of a supplemental application data sheet submitted herewith. The reference to the domestic priority information has also been made to the first paragraph of the specification in an amendment filed concurrently herewith.
- (3) In connection with this Petition, Applicants hereby authorize the Commissioner for Patents to charge any and all fees required under 37 C.F.R. § 1.17(t) to Deposit Account No. 20-1430.
- (4) The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

In view of the foregoing, Applicants request that this Petition be granted and a Corrected Filing Receipt be issued denoting the correct domestic priority data as set forth above in this Petition and accompanying amendment. If it is believed that a telephone conference would expedite processing of this Petition, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Nena Bains  
Reg. No. 47,400

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
Attachments  
NB:nb  
60568093 v1